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2/13/97

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DATE: August 13, 1997

SUBJECT: Applicability of Household Hazardous Waste Exclusion to Natural Gas
Regulators Containing Mercury

FROM: David Bussard, Director
Hazardous Waste Identification Division

TO: George C. Meyer, Chief
RCRA Compliance Branch
Region II

This is in response to your memo of May 20, 1997 asking for clarification of EPA's position on the applicability of the RCRA household hazardous waste exclusion (40 CFR 261.4(b)(1)) to natural gas regulators. In your memo you stated that the New Jersey Department of Environmental Protection (NJDEP) had located past EPA correspondence regarding this issue, however, the issue remained unclear. Your memo also stated that NJDEP was interested in commencing an enforcement action against a utility for handling these spent regulators under the household hazardous waste exclusion, rather than as a RCRA hazardous waste.

Your memo explains that the natural gas regulators are used to regulate the flow and pressure of natural gas supplied to consumers and that the regulators are installed, repaired, replaced, and spent regulators are collected solely by the gas supplier or utility. Furthermore, it is the utility or gas supplier that makes the determination of whether the regulators can be repaired or should be replaced.

Your memo references a number of past letters that discuss EPA's position regarding the management of spent natural gas regulators. The most relevant is the February 28, 1995 letter which addressed the question of whether the household hazardous waste exclusion applies to household appliances that contain a hazardous waste due to the thermostats and chlorofluorocarbons. In that letter our Office stated that in order for a waste to be excluded from RCRA as a household hazardous waste it had to meet two criteria. The household waste has to be generated by individuals on the premises of a household, and second, the waste stream must be composed primarily of materials found in the waste generated by consumers in their homes. Since the natural gas regulators are installed, replaced, and collected by utilities and gas suppliers, they do not meet these two criteria as you pointed out in your memo. Therefore, natural gas regulators that fail the Toxicity Characteristic for lead must be managed as a hazardous waste and are not eligible for the household hazardous waste exclusion at

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40 CFR 261 (b)(1).

If you have any questions regarding this issue, please call Gail Cooper of my staff at (703) 308-8799.

Faxback# 14115